UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,636	02/10/2001	Marc Alan Ehrlich	ARC920000113US1	9342

7590 05/27/2004	EXAMINER
Samuel A. Kassatly	RHODE JR, ROBERT E
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ART UNIT	PAPER NUMBER
3625	

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DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>09 February 2004</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1, 4 – 9, 11, 14 – 18 and 20 - 26_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1, 4 – 9, 11, 14 – 18 and 20 - 26_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
       1. ☐ Certified copies of the priority documents have been received.
       2. ☐ Certified copies of the priority documents have been received in Application No. _____.
       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
          application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2-9-2004 has been entered.

Response to Amendment

Applicant amendment of 2-9-04 amended claims 1, 4, 9, 11, 14, 18, 20 and 21 - 26 and 22 and canceled claims 2, 3, 10, 12, 13, 19 and 27 – 46. In addition, the applicant traversed rejections of Claims 1 - 46.

Currently, claims 1, 4 – 9, 11, 14 – 18 and 20 - 26 are pending.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 4 – 9, 11, 14 – 18 and 20 - 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over International Patent Application WO 00/31657 by Van Den Berghe in view of Phillippe (US 6,643,624 B2).

Regarding calim1 and related claims 9, 11 and 18 (Currently amended), Van Den

Berghe teaches a system, computer program and method of automating an electronic-

commerce transaction using a virtual shopping cart initiated at a host site, comprising:

storing information about a plurality of schemas used by a plurality of heterogeneous

and unrelated merchants' sites (see at least Abstract and Figure 4). Please note that the

word "unrelated" was not defined in the specification. Moreover, the word "unrelated"

could not be found in "Merriam-Webster's Collegiate Dictionary", Tenth Edition. In that

regard and for examination purposes, the word "unrelated" was interpreted as online

commerce sites, which are independent businesses entities with separate legal

ownership and thereby "unrelated".

However, Van Den Berghe does not specifically disclose and teach system, computer

program and method of creating the virtual shopping cart based on a user's search

query; monitoring the content of the virtual shopping cart; and collecting and managing

information from the plurality of heterogeneous and unrelated merchants' sites, across

multiple independent transaction sessions initiated by the host site, based on the user's

search query, and returning a corresponding comparative search result, without

requiring the user to leave the host site to visit the plurality of heterogeneous and

unrelated merchants' sites while the comparison shopping engine is automatically

collecting and managing information from the plurality of heterogeneous and unrelated

merchants' sites; and selectively communicates with the plurality of heterogeneous and

unrelated merchants' sites using at least one of the schemas in the merchant schema database in order to execute a transaction for each item in the virtual shopping cart.

On the other hand, Phillippe teaches a system, computer program and method of creating the virtual shopping cart based on a user's search query; monitoring the content of the virtual shopping cart (see at least Abstract and Figures 3A & B); and collecting and managing information from the plurality of heterogeneous and unrelated merchants' sites, across multiple independent transaction sessions initiated by the host site, based on the user's search query, and returning a corresponding comparative search result, without requiring the user to leave the host site to visit the plurality of heterogeneous and unrelated merchants' sites while the comparison shopping engine is automatically collecting and managing information from the plurality of heterogeneous and unrelated merchants' sites (see at least Abstract, Col 2, lines 49 – 53, Col 3, lines 1 - 24 and Figures 1C & 2C); and selectively communicates with the plurality of heterogeneous and unrelated merchants' sites using at least one of the schemas in the merchant schema database in order to execute a transaction for each item in the virtual shopping cart (see at least Abstract and Figure 3C).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the system, computer program and method of Van Den Berghe with the system, computer program and method of Phillippe to have enabled of automating an electronic-commerce transaction using a virtual shopping cart initiated at a host site,

comprising: storing information about a plurality of schemas used by a plurality of
heterogeneous and unrelated merchants' sites; creating the virtual shopping cart based
on a user's search query; monitoring the content of the virtual shopping cart; and
collecting and managing information from the plurality of heterogeneous and unrelated
merchants' sites, across multiple independent transaction sessions initiated by the host
site, based on the user's search query, and returning a corresponding comparative
search result, without requiring the user to leave the host site to visit the plurality of
heterogeneous and unrelated merchants' sites while the comparison shopping engine is
automatically collecting and managing information from the plurality of heterogeneous
and unrelated merchants' sites; and selectively communicates with the plurality of
heterogeneous and unrelated merchants' sites using at least one of the schemas in the
merchant schema database in order to execute a transaction for each item in the virtual
shopping cart -in order to have a search capability with a universal shopping cart that
provides shopping and necessary transactions across numerous online sites. Van Den
Berghe discloses a virtual shopping cart at a host site, which stores information
(Abstract). Phillippe teaches a shopping cart, which searches out the best price item
from numerous sites and stores the information for the shopper as well as provides the
transaction method to execute a transaction (Col 2, lines 48 - 53 and Figures 1C, 2C &
3B). Therefore one of ordinary skill in the art would have been motivated to extend the
system, computer program and method of Van Den Berghe to have enabled a shopping
cart, which searches out the best price item from numerous sites and stores the
information for the shopper as well as provides the transaction method to execute a

transaction. In this manner, the customer's satisfaction will be increased with the ease

of searching and buying, which will increase the probability that they will return for

additional shopping in the future as well as recommend the site to others.

Regarding claim 4 and related claims 14 and 20 (Currently amended), Van Den Berghe

teaches a system, computer program and method, further comprising maintaining the

plurality of data structures necessary and the plurality of schemers (Abstract, Page 3,

lines 31 – 34 and Figure 4).

Regarding claim 5 and related claim 15 (Previously presented), Van Den Berghe

teaches a system, computer program and method, further comprising storing a plurality

of data structures necessary to manage a plurality of shopping carts and items

contained in the plurality of shopping carts (Abstract, Page 3, lines 30 – 34 and Figure

4).

Regarding claim 6 and related claim 16 (Previously presented), Van Den Berghe

teaches a system, computer program and method, wherein storing

information about the plurality of schemas comprises storing information about

the plurality of merchants, their communication protocols, and how any one or

more of the following functions are implemented for each merchant (Abstract, Page 13,

line 27 and Figures 4 & 5): add function, that adds an item to the virtual shopping cart

(Page 14, lines 5 – 11); checkout function, that guides the shopper through a check out

process; account retrieval feature, that provides account information; confirm order

feature, that confirms a shopper's order; order confirmation feature, that receives order

confirmation data (Page 14, lines 21 – 25 and lines 13 – 15). Please note that Van Den

Berghe does not specifically disclose a confirm order feature. However, Phillippe does

disclose a confirmation step (Figure 3C). In that regard, it would have been obvious to

one of ordinary skill to add a confirm order feature.

Regarding claim 7 and related claim 17 (Previously presented), Van Den Berghe

teaches a system, computer program and method, wherein collecting and managing

information comprises parsing and analyzing the shopping request related to an item in

the virtual shopping cart, to retrieve a corresponding merchant protocol (Abstract and

Figure 4).

Regarding claim 8, Van Den Berghe teaches a system, wherein the corresponding

merchant protocol is HTTP, and information related to the item in the virtual shopping

cart is encoded, at least in part, in HTML (Figure 1).

Regarding claims 21 – 26 (Currently amended), Phillippe teaches establishing a user

profile database including claimed features and thus incorporation of such into the

system, computer program and method of Van Den Berghe would have been obvious to

one of ordinary skill.

Response to Arguments

Applicant's arguments with respect to claims 1 - 46 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-**

8230. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, **Jeff Smith** can be reached on **(703) 308-3588**.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the **Receptionist** whose telephone number is **(703)**

308-1113.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306   [Official communications; including

After Final communications labeled

"Box AF"]

(703) 746-7418 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

RER

Jeffrey A. Smith
Primary Examiner